

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Eleventh Judicial District Court, County of Flathead

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-13-133
-vs-)	
)	DECISION
ANTHONY WAYNE SHULL,)	
)	
Defendant.)	

On March 5, 2015, the Court sentenced the Defendant as follows: Count II: Ten (10) years to the Montana State Prison, for the offense of Burglary, a felony, in violation of §45-6-204(1), MCA; Count V: Ten (10) years in the Montana State Prison, with eight (8) years suspended, for the offense of Burglary, a felony, in violation of §45-6-204(1), MCA, consecutive to Count II; and Count VI: Five (5) years to the Montana State Prison, all suspended, for the offense of Theft, a felony, in violation of §45-6-301, MCA, consecutive to Count V. The Court ordered this sentence to run concurrent to the sentence in DC-13-440A. The Court ordered conditions contained in the pre-sentence investigation report dated April 23, 2014 on pages nine through eleven, as amended. The Court granted credit for 716 days served in incarceration. The Court ordered the Defendant pay restitution in the amount of \$5,001.40.

On May 4, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 4th day of May, 2017.

DATED this 31 day of May, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



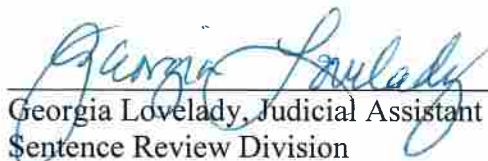
Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 2nd day
of June, 2017, to:

Clerk of District Court (Original)
Anthony Wayne Shull #3014029, Defendant (2)
Hon. David Ortley
Brent Getty, Defense Counsel
Travis Ahner, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division